

Applicants: Ellen W. Collisson et al.  
Serial No.: 09/303,510  
Filed: April 30, 1999  
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Please amend the subject application as follows:

In the claims:

Please cancel claims 48-52 without prejudice to applicants' right to pursue the subject matter of these claims in a future application.

REMARKS

Claims 2, 48-52, 55, 56, 62-64, 83-85 and 90 are pending and under examination in the subject application. Applicants have hereinabove canceled claims 48-52 without prejudice. In making this amendment, applicants neither concede the correctness of the Examiner's rejection, nor abandon their right to pursue in a continuing application embodiments of the instant invention no longer claimed in this application. Applicants maintain that this amendment raises no issue of new matter, and respectfully request entry of this Amendment. Upon entry of this Amendment, allowed claims 2, 55, 56, 62-64, 83-85 and 90 will still be pending.

In view of the amendments to the claims, applicants maintain that the Examiner's outstanding rejection is moot, and respectfully request that the Examiner reconsider and withdraw same.

January 14, 2003 Advisory Action

The January 14, 2003 Advisory Action indicates that the Amendment filed October 30, 2002 will not be entered because it allegedly raises the issue of new matter. The Examiner stated that the

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proposed amendment will not be entered because the amendment with the negative limitation "but is not present in nucleic acid which encodes non-feline CD86" raises issues of new matter which would be rejected under 35 U.S.C. §112, first paragraph.

In response to the Examiner's rejection of claims 48-52, but without conceding the correctness thereof, applicants point out that these claims have been canceled. Thus, the rejection thereof is now moot.

#### Summary

Applicants note that the only claims now pending in this application are allowed claims 2, 55, 56, 62-64, 83-85 and 90. Accordingly, applicants respectfully request issuance of a Notice of Allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than the \$930.00 fee for a three-month extension of time which applicants are concurrently filing with the United States Patent and Trademark Office by First Class Mail, is deemed necessary in connection with the filing of this Supplemental Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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